

1                   **COMMUNITY DEVELOPMENT AND RENEWAL**

2                                   **AGENCY AMENDMENTS**

3   2007 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Curtis S. Bramble**

6                                   House Sponsor: David Clark

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8   **LONG TITLE**

9   **General Description:**

10           This bill modifies provisions relating to community development and renewal agencies.

11   **Highlighted Provisions:**

12           This bill:

- 13           ▶ modifies the definition of urban renewal to include environmental remediation;
- 14           ▶ modifies the definition of base taxable value to mean, for a project on an inactive  
15 industrial site, the year after the date the inactive industrial site is sold for  
16 remediation and development;
- 17           ▶ expands the permissible uses of tax increment to cover environmental remediation  
18 activities that occur both after and before adoption of a project area plan;
- 19           ▶ provides an exception to blight study and blight hearing requirements for agencies  
20 that find blight based on a finding relating to an inactive industrial site;
- 21           ▶ prohibits a taxing entity committee from disapproving an agency's finding of blight  
22 unless the committee demonstrates that the blight conditions the agency found to  
23 exist in the urban renewal project area do not exist;
- 24           ▶ authorizes the taxing entity committee to hire a consultant to assist in the taxing  
25 entity committee's approval or disapproval of an agency's finding of blight, requires  
26 the agency to pay the consultant's expenses, and makes the consultant's findings  
27 binding;
- 28           ▶ modifies the amount of tax increment an agency board may provide in a project area  
29 budget for the agency to be paid for an urban renewal project area plan that

30 proposes development of an inactive industrial site;

31       ▶ makes an exception to a combined incremental value limit if the budget is based on  
32 a project area where a finding of blight is made because of the presence of a  
33 superfund site or an inactive industrial site;

34       ▶ authorizes an agency to use certain tax increment funds for relocating mobile home  
35 park residents who are displaced;

36       ▶ eliminates taxing entity committee and community legislative body consent  
37 requirements for the use of tax increment and sales tax proceeds for certain  
38 improvements undertaken in connection with a community development project  
39 area plan;

40       ▶ modifies a provision related to the collection of a taxing entity's tax increment if the  
41 taxing entity elects not to have its tax increment collected and used for other taxing  
42 entities;

43       ▶ clarifies that a contest period applies also to a resolution regarding the use of tax  
44 proceeds; and

45       ▶ makes technical changes.

46 **Monies Appropriated in this Bill:**

47       None

48 **Other Special Clauses:**

49       None

50 **Utah Code Sections Affected:**

51 AMENDS:

52       **17C-1-102**, as last amended by Chapter 254 and renumbered and amended by Chapter  
53 359, Laws of Utah 2006

54       **17C-1-402**, as last amended by Chapter 14 and renumbered and amended by Chapter  
55 359, Laws of Utah 2006

56       **17C-1-405**, as enacted by Chapter 359, Laws of Utah 2006

57       **17C-1-409**, as renumbered and amended by Chapter 359, Laws of Utah 2006

- 58           **17C-1-410**, as renumbered and amended by Chapter 359, Laws of Utah 2006
- 59           **17C-1-411**, as renumbered and amended by Chapter 359, Laws of Utah 2006
- 60           **17C-1-412**, as renumbered and amended by Chapter 359, Laws of Utah 2006
- 61           **17C-2-102**, as renumbered and amended by Chapter 359, Laws of Utah 2006
- 62           **17C-2-106**, as last amended by Chapter 254 and renumbered and amended by Chapter
- 63 359, Laws of Utah 2006
- 64           **17C-2-110**, as renumbered and amended by Chapter 359, Laws of Utah 2006
- 65           **17C-2-202**, as last amended by Chapter 254 and renumbered and amended by Chapter
- 66 359, Laws of Utah 2006
- 67           **17C-2-301**, as last amended by Chapter 254 and renumbered and amended by Chapter
- 68 359, Laws of Utah 2006
- 69           **17C-2-302**, as renumbered and amended by Chapter 359, Laws of Utah 2006
- 70           **17C-2-303**, as last amended by Chapter 254 and renumbered and amended by Chapter
- 71 359, Laws of Utah 2006
- 72           **17C-2-304**, as renumbered and amended by Chapter 359, Laws of Utah 2006
- 73           **17C-4-202**, as enacted by Chapter 359, Laws of Utah 2006

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74  
75 *Be it enacted by the Legislature of the state of Utah:*

76           Section 1. Section **17C-1-102** is amended to read:

77           **17C-1-102. Definitions.**

78           As used in this title:

79           (1) "Adjusted tax increment" means:

80           (a) for tax increment under a pre-July 1, 1993 project area plan, tax increment under  
81 Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3); and

82           (b) for tax increment under a post-June 30, 1993 project area plan, tax increment under  
83 Section 17C-1-404, excluding tax increment under Section 17C-1-406.

84           (2) "Affordable housing" means housing to be owned or occupied by persons and  
85 families of low or moderate income, as determined by resolution of the agency.

86 (3) "Agency" or "community development and renewal agency" means a separate body  
87 corporate and politic, created under Section 17C-1-201 or as a redevelopment agency under  
88 previous law, that is a political subdivision of the state, that is created to undertake or promote  
89 urban renewal, economic development, or community development, or any combination of  
90 them, as provided in this title, and whose geographic boundaries are coterminous with:

91 (a) for an agency created by a county, the unincorporated area of the county; and

92 (b) for an agency created by a city or town, the boundaries of the city or town.

93 (4) "Annual income" has the meaning as defined under regulations of the U.S.

94 Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as amended or as  
95 superseded by replacement regulations.

96 (5) "Assessment roll" has the meaning as defined in Section 59-2-102.

97 (6) "Base taxable value" means the taxable value of the property within a project area  
98 from which tax increment will be collected, as shown upon the assessment roll last equalized  
99 before:

100 (a) for a pre-July 1, 1993 project area plan, the effective date of the project area plan;

101 [~~or~~]

102 (b) for a post-June 30, 1993 project area plan:

103 (i) the date of the taxing entity committee's approval of the first project area budget; or

104 (ii) if no taxing entity committee approval is required for the project area budget, the  
105 later of:

106 (A) the date the project area plan is adopted by the community legislative body; and

107 (B) the date the agency adopts the first project area budget[-]; or

108 (c) for a project on an inactive industrial site, a year after the date on which the inactive  
109 industrial site is sold for remediation and development.

110 (7) "Basic levy" means the portion of a school district's tax levy constituting the  
111 minimum basic levy under Section 59-2-902.

112 (8) "Blight" or "blighted" means the condition of an area that meets the requirements of  
113 Subsection 17C-2-303(1).

114 (9) "Blight hearing" means a public hearing under Subsection  
115 17C-2-102(1)(a)[~~(iii)~~](i)(C) and Section 17C-2-302 regarding the existence or nonexistence of  
116 blight within the proposed urban renewal project area.

117 (10) "Blight study" means a study to determine the existence or nonexistence of blight  
118 within a survey area as provided in Section 17C-2-301.

119 (11) "Board" means the governing body of an agency, as provided in Section  
120 17C-1-203.

121 (12) "Budget hearing" means the public hearing on a draft project area budget required  
122 under Subsection 17C-2-201(2)(d) for an urban renewal project area budget or Subsection  
123 17C-3-201(2)(d) for an economic development project area budget.

124 (13) "Combined incremental value" means the combined total of all incremental values  
125 from all urban renewal project areas, except project areas that contain some or all of a military  
126 installation or inactive industrial site, within the agency's boundaries under adopted project area  
127 plans and adopted project area budgets at the time that a project area budget for a new urban  
128 renewal project area is being considered.

129 (14) "Community" means a county, city, or town.

130 (15) "Community development" means development activities within a community,  
131 including the encouragement, promotion, or provision of development.

132 (16) "Economic development" means to promote the creation or retention of public or  
133 private jobs within the state through:

134 (a) planning, design, development, construction, rehabilitation, business relocation, or  
135 any combination of these, within a community; and

136 (b) the provision of office, industrial, manufacturing, warehousing, distribution,  
137 parking, public, or other facilities, or other improvements that benefit the state or a community.

138 (17) "Fair share ratio" means the ratio derived by:

139 (a) for a city or town, comparing the percentage of all housing units within the city or  
140 town that are publicly subsidized income targeted housing units to the percentage of all  
141 housing units within the whole county that are publicly subsidized income targeted housing

142 units; or

143 (b) for the unincorporated part of a county, comparing the percentage of all housing  
144 units within the unincorporated county that are publicly subsidized income targeted housing  
145 units to the percentage of all housing units within the whole county that are publicly subsidized  
146 income targeted housing units.

147 (18) "Family" has the meaning as defined under regulations of the U.S. Department of  
148 Housing and Urban Development, 24 C.F.R. Section 5.403, as amended or as superseded by  
149 replacement regulations.

150 (19) "Greenfield" means land not developed beyond agricultural or forestry use.

151 (20) "Housing funds" means the funds allocated in an urban renewal project area  
152 budget under Section 17C-2-203 for the purposes provided in Subsection 17C-1-412(1).

153 (21) (a) "Inactive industrial site" means land that:

154 (i) consists of at least 1,000 acres;

155 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial  
156 facility; and

157 (iii) requires remediation because of the presence of:

158 (A) hazardous [or solid] waste [as], defined [in Subsection 17B-4-604(1)(a)(iii)(I), as  
159 last amended by Chapter 292, Laws of Utah 2005.] as any substance defined, regulated, or  
160 listed as a hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant,  
161 contaminant, or toxic substance, or identified as hazardous to human health or the environment  
162 under state or federal law or regulation; or

163 (B) solid waste.

164 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land  
165 described in Subsection (21)(a).

166 (22) "Income targeted housing" means housing to be owned or occupied by a family  
167 whose annual income is at or below 80% of the median annual income for the county in which  
168 the housing is located.

169 (23) "Incremental value" means a figure derived by multiplying the marginal value of

170 the property located within an urban renewal project area on which tax increment is collected  
171 by a number that represents the percentage of adjusted tax increment from that project area that  
172 is paid to the agency.

173 (24) "Loan fund board" means the Olene Walker Housing Loan Fund Board,  
174 established under Title 9, Chapter 4, Part 7, Olene Walker Housing Loan Fund.

175 (25) "Marginal value" means the difference between actual taxable value and base  
176 taxable value.

177 (26) "Military installation project area" means a project area or a portion of a project  
178 area located within a federal military installation ordered closed by the federal Defense Base  
179 Realignment and Closure Commission.

180 (27) "Plan hearing" means the public hearing on a draft project area plan required  
181 under Subsection 17C-2-102(1)(a)[~~(viii)~~] (vi) for an urban renewal project area plan,  
182 Subsection 17C-3-102(1)(d) for an economic development project area plan, and Subsection  
183 17C-4-102(1)(d) for a community development project area plan.

184 (28) "Post-June 30, 1993 project area plan" means a project area plan adopted on or  
185 after July 1, 1993, whether or not amended subsequent to its adoption.

186 (29) "Pre-July 1, 1993 project area plan" means a project area plan adopted before July  
187 1, 1993, whether or not amended subsequent to its adoption.

188 (30) "Private," with respect to real property, means:

189 (a) not owned by the United States or any agency of the federal government, a public  
190 entity, or any other governmental entity; and

191 (b) not dedicated to public use.

192 (31) "Project area" means the geographic area described in a project area plan or draft  
193 project area plan where the urban renewal, economic development, or community  
194 development, as the case may be, set forth in the project area plan or draft project area plan  
195 takes place or is proposed to take place.

196 (32) "Project area budget" means a multiyear projection of annual or cumulative  
197 revenues and expenses and other fiscal matters pertaining to a urban renewal or economic

198 development project area that includes:

- 199 (a) the base taxable value of property in the project area;
- 200 (b) the projected tax increment expected to be generated within the project area;
- 201 (c) the amount of tax increment expected to be shared with other taxing entities;
- 202 (d) the amount of tax increment expected to be used to implement the project area plan,
- 203 including the estimated amount of tax increment to be used for land acquisition, public
- 204 improvements, infrastructure improvements, and loans, grants, or other incentives to private
- 205 and public entities;
- 206 (e) the tax increment expected to be used to cover the cost of administering the project
- 207 area plan;
- 208 (f) if the area from which tax increment is to be collected is less than the entire project
- 209 area:
- 210 (i) the tax identification numbers of the parcels from which tax increment will be
- 211 collected; or
- 212 (ii) a legal description of the portion of the project area from which tax increment will
- 213 be collected; and
- 214 (g) for property that the agency owns and expects to sell, the expected total cost of the
- 215 property to the agency and the expected selling price.

216 (33) "Project area plan" means a written plan under ~~[Part 4, Project Area Plan]~~ Chapter  
217 2, Part 1, Urban Renewal Project Area Plan, Chapter 3, Part 1, Economic Development Project  
218 Area Plan, or Chapter 4, Part 1, Community Development Project Area Plan, as the case may  
219 be, that, after its effective date, guides and controls the urban renewal, economic development,  
220 or community development activities within a project area.

221 (34) "Property tax" includes privilege tax and each levy on an ad valorem basis on  
222 tangible or intangible personal or real property.

223 (35) "Public entity" means:

- 224 (a) the state, including any of its departments or agencies; or
- 225 (b) a political subdivision of the state, including a county, city, town, school district,

226 special district, local district, or interlocal cooperation entity.

227 (36) "Publicly owned infrastructure and improvements" means water, sewer, storm  
228 drainage, electrical, and other similar systems and lines, streets, roads, curb, gutter, sidewalk,  
229 walkways, parking facilities, public transportation facilities, and other facilities, infrastructure,  
230 and improvements benefitting the public and to be publicly owned or publicly maintained or  
231 operated.

232 (37) "Record property owner" or "record owner of property" means the owner of real  
233 property as shown on the records of the recorder of the county in which the property is located  
234 and includes a purchaser under a real estate contract if the contract is recorded in the office of  
235 the recorder of the county in which the property is located or the purchaser gives written notice  
236 of the real estate contract to the agency.

237 (38) "Superfund site":

238 (a) means an area included in the National Priorities List under the Comprehensive  
239 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

240 (b) includes an area formerly included in the National Priorities List, as described in  
241 Subsection (38)(a), but removed from the list following remediation that leaves on site the  
242 waste that caused the area to be included in the National Priorities List.

243 (39) "Survey area" means an area designated by a survey area resolution for study to  
244 determine whether one or more urban renewal projects within the area are feasible.

245 (40) "Survey area resolution" means a resolution adopted by the agency board under  
246 Subsection 17C-2-101(1)(a) designating a survey area.

247 (41) "Taxable value" means the value of property as shown on the last equalized  
248 assessment roll as certified by the county assessor.

249 (42) (a) "Tax increment" means, except as provided in Subsection (42)(b), the  
250 difference between:

251 (i) the amount of property tax revenues generated each tax year by all taxing entities  
252 from the area within a project area designated in the project area plan as the area from which  
253 tax increment is to be collected, using the current assessed value of the property; and

254 (ii) the amount of property tax revenues that would be generated from that same area  
255 using the base taxable value of the property.

256 (b) "Tax increment" does not include taxes levied and collected under Section  
257 59-2-906.1 on or after January 1, 1994 upon the taxable property in the project area unless:

258 (i) the project area plan was adopted before May 4, 1993, whether or not the project  
259 area plan was subsequently amended; and

260 (ii) the taxes were pledged to support bond indebtedness or other contractual  
261 obligations of the agency.

262 (43) "Taxing entity" means a public entity that levies a tax on property within a  
263 community.

264 (44) "Taxing entity committee" means a committee representing the interests of taxing  
265 entities, created as provided in Section 17C-1-402.

266 (45) "Unincorporated" means not within a city or town.

267 (46) (a) "Urban renewal" means the development activities under a project area plan  
268 within an urban renewal project area, including:

269 (i) planning, design, development, demolition, clearance, construction, rehabilitation,  
270 environmental remediation, or any combination of these, of part or all of a project area;

271 (ii) the provision of residential, commercial, industrial, public, or other structures or  
272 spaces, including recreational and other facilities incidental or appurtenant to them;

273 (iii) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating, or  
274 any combination of these, existing structures in a project area;

275 (iv) providing open space, including streets and other public grounds and space around  
276 buildings;

277 (v) providing public or private buildings, infrastructure, structures, and improvements;  
278 and

279 (vi) providing improvements of public or private recreation areas and other public  
280 grounds.

281 (b) "Urban renewal" means "redevelopment," as defined under the law in effect before

282 May 1, 2006, if the context requires.

283 Section 2. Section **17C-1-402** is amended to read:

284 **17C-1-402. Taxing entity committee.**

285 (1) Each agency that adopts or proposes to adopt a post-June 30, 1993 urban renewal or  
286 economic development project area plan shall, and any other agency may, cause a taxing entity  
287 committee to be created.

288 (2) (a) (i) Each taxing entity committee shall be composed of:

289 (A) two school district representatives appointed as provided in Subsection (2)(a)(ii);

290 (B) (I) in a county of the second, third, fourth, fifth, or sixth class, two representatives  
291 appointed by resolution of the legislative body of the county in which the agency is located; or

292 (II) in a county of the first class, one representative appointed by the county executive  
293 and one representative appointed by the legislative body of the county in which the agency is  
294 located;

295 (C) if the agency was created by a city or town, two representatives appointed by  
296 resolution of the legislative body of that city or town;

297 (D) one representative appointed by the State Board of Education; and

298 (E) one representative selected by majority vote of the legislative bodies or governing  
299 boards of all other taxing entities that levy a tax on property within the agency's boundaries, to  
300 represent the interests of those taxing entities on the taxing entity committee.

301 (ii) (A) If the agency boundaries include only one school district, that school district  
302 shall appoint the two school district representatives under Subsection (2)(a)(i)(A).

303 (B) If the agency boundaries include more than one school district, those school  
304 districts shall jointly appoint the two school district representatives under Subsection  
305 (2)(a)(i)(A).

306 (b) (i) Each taxing entity committee representative under Subsection (2)(a) shall be  
307 appointed within 30 days after the agency provides notice of the creation of the taxing entity  
308 committee.

309 (ii) If a representative is not appointed within the time required under Subsection

310 (2)(b)(i), the agency board may appoint a person to serve on the taxing entity committee in the  
311 place of the missing representative until that representative is appointed.

312 (c) (i) A taxing entity committee representative may be appointed for a set term or  
313 period of time, as determined by the appointing authority under Subsection (2)(a)(i).

314 (ii) Each taxing entity committee representative shall serve until a successor is  
315 appointed and qualified.

316 (d) (i) Upon the appointment of each representative under Subsection (2)(a)(i), whether  
317 an initial appointment or an appointment to replace an already serving representative, the  
318 appointing authority shall:

319 (A) notify the agency in writing of the name and address of the newly appointed  
320 representative; and

321 (B) provide the agency a copy of the resolution making the appointment or, if the  
322 appointment is not made by resolution, other evidence of the appointment.

323 (ii) Each appointing authority of a taxing entity committee representative under  
324 Subsection (2)(a)(i) shall notify the agency in writing of any change of address of a  
325 representative appointed by that appointing authority.

326 (3) A taxing entity committee represents all taxing entities regarding an urban renewal  
327 or economic development project area and may:

328 (a) cast votes that will be binding on all taxing entities;

329 (b) negotiate with the agency concerning a draft project area plan;

330 (c) approve or disapprove a project area budget as provided in Section 17C-2-204 for  
331 an urban renewal project area budget and Section 17C-3-203 for an economic development  
332 project area budget;

333 (d) approve or disapprove amendments to a project area budget as provided in Section  
334 17C-2-206 for an urban renewal project area budget and Section 17C-3-205 for an economic  
335 development project area budget;

336 (e) approve exceptions to the limits on the value and size of a project area imposed  
337 under this title;

338 (f) approve exceptions to the percentage of tax increment and the period of time that  
339 tax increment is paid to the agency as provided in this title;

340 (g) approve the use of tax increment for publicly owned infrastructure and  
341 improvements outside of an urban renewal or economic development project area that the  
342 agency and community legislative body determine to be of benefit to the urban renewal or  
343 economic development project area, as provided in Subsection 17C-1-409(1)(a)(iii)(D);

344 (h) waive the restrictions imposed by Subsection 17C-2-202(1); and

345 (i) give other taxing entity committee approval or consent required or allowed under  
346 this title.

347 (4) A quorum of a taxing entity committee consists of:

348 (a) if the urban renewal or economic development project area is located within a city  
349 or town, five members; or

350 (b) if the urban renewal or economic development project area is not located within a  
351 city or town, four members.

352 (5) Taxing entity committee approval, consent, or other action requires the affirmative  
353 vote of two-thirds of all members present at a taxing entity committee meeting at which a  
354 quorum is present.

355 (6) (a) An agency may call a meeting of the taxing entity committee by sending written  
356 notice to the members of the taxing entity committee at least ten days before the date of the  
357 meeting.

358 (b) Each notice under Subsection (6)(a) shall be accompanied by:

359 (i) the proposed agenda for the taxing entity committee meeting; and

360 (ii) if not previously provided and if they exist and are to be considered at the meeting:

361 (A) the urban renewal or economic development project area plan or proposed plan;

362 (B) the urban renewal or economic development project area budget or proposed

363 budget;

364 (C) the analysis required under Subsection 17C-2-103(2) or 17C-3-103(2);

365 (D) the blight study;

366 (E) the agency's resolution making a finding of blight under Subsection  
367 17C-2-102(1)(a)[~~(iv)~~] (ii)(B); and

368 (F) other documents to be considered by the taxing entity committee at the meeting.

369 (7) (a) A taxing entity committee may not vote on a proposed urban renewal or  
370 economic development project area budget or proposed amendment to an urban renewal or  
371 economic development project area budget at the first meeting at which the proposed budget or  
372 amendment is considered unless all members of the taxing entity committee present at the  
373 meeting consent.

374 (b) A second taxing entity committee meeting to consider an urban renewal or  
375 economic development project area budget or a proposed amendment to an urban renewal or  
376 economic development project area budget may not be held within 14 days after the first  
377 meeting unless all members of the taxing entity committee present at the first meeting consent.

378 (8) Each taxing entity committee shall meet at least annually during the time that the  
379 agency receives tax increment under an urban renewal or economic development project area  
380 budget in order to review the status of the project area.

381 (9) Each taxing entity committee shall be governed by Title 52, Chapter 4, Open and  
382 Public Meetings Act.

383 (10) Each time a school district representative or a representative of the State Board of  
384 Education votes as a member of a taxing entity committee to allow an agency to be paid tax  
385 increment or to increase the amount or length of time that an agency may be paid tax  
386 increment, that representative shall, within 45 days after the vote, provide to the  
387 representative's respective school board an explanation in writing of the representative's vote  
388 and the reasons for the vote.

389 (11) (a) The auditor of each county in which the agency is located shall provide a  
390 written report to the taxing entity committee stating, with respect to property within each urban  
391 renewal and economic development project area:

392 (i) the base taxable value, as adjusted by any adjustments under Section 17C-1-408;  
393 and

394 (ii) the assessed value.

395 (b) With respect to the information required under Subsection (11)(a), the auditor shall  
396 provide:

397 (i) actual amounts for each year from the adoption of the urban renewal and economic  
398 development project area plan to the time of the report; and

399 (ii) estimated amounts for each year beginning the year after the time of the report and  
400 ending the time that the agency expects no longer to be paid tax increment from property  
401 within the urban renewal and economic development project area.

402 (c) The auditor of the county in which the agency is located shall provide a report  
403 under this Subsection (11):

404 (i) at least annually; and

405 (ii) upon request of the taxing entity committee, before a taxing entity committee  
406 meeting at which the committee will consider whether to allow the agency to be paid tax  
407 increment or to increase the amount of tax increment that the agency may be paid or the length  
408 of time that the agency may be paid tax increment.

409 (12) This section does not apply to a community development project area plan.

410 Section 3. Section **17C-1-405** is amended to read:

411 **17C-1-405. Tax increment under a project area plan adopted on or after May 1,**  
412 **2006.**

413 (1) This section applies to tax increment under a project area plan adopted on or after  
414 May 1, 2006.

415 (2) Subject to the approval of the taxing entity committee, an agency board may  
416 provide in the project area budget for the agency to be paid:

417 (a) for an urban renewal project area plan that proposes development of an inactive  
418 industrial site, at least 60% of tax increment for at least 15 years; or

419 (b) for each other project, any percentage of tax increment up to 100% or any specified  
420 dollar amount of tax increment for any period of time.

421 Section 4. Section **17C-1-409** is amended to read:

422 **17C-1-409. Allowable uses of tax increment and sales tax.**

423 (1) (a) An agency may use tax increment and sales tax proceeds received from a taxing  
424 entity:

425 (i) for any of the purposes for which the use of tax increment is authorized under this  
426 title;

427 (ii) for administrative, overhead, legal, and other operating expenses of the agency,  
428 including consultant fees and expenses under Subsection 17C-2-102(1)(b)(ii)(B); or

429 (iii) to pay for, including financing or refinancing, all or part of:

430 (A) ~~[the]~~ urban renewal~~;~~ activities in the project area from which the tax increment  
431 funds are collected, including environmental remediation activities occurring before or after  
432 adoption of the project area plan;

433 (B) economic development~~;~~ or community development activities in the project area  
434 from which the tax increment funds ~~[were]~~ are collected;

435 ~~[(B)] (C)~~ housing expenditures, projects, or programs as provided in Section  
436 17C-1-411 or 17C-1-412;

437 ~~[(C) with the consent of the community legislative body and]~~

438 (D) subject to ~~[Subsection]~~ Subsections (1)(c) and (6), the value of the land for and the  
439 cost of the installation and construction of any publicly owned building, facility, structure,  
440 landscaping, or other improvement within the project area from which the tax increment funds  
441 were collected; and

442 ~~[(D) with the consent of the community legislative body and the taxing entity~~  
443 ~~committee;]~~

444 (E) subject to Subsection (1)(d), the cost of the installation of publicly owned  
445 infrastructure and improvements outside the project area from which the tax increment funds  
446 were collected if the agency board and the community legislative body determine by resolution  
447 that the publicly owned infrastructure and improvements are of benefit to the project area.

448 (b) The determination of the agency board and the community legislative body under  
449 Subsection (1)(a)(iii)~~[(D)](E)~~ regarding benefit to the project area shall be final and conclusive.

450           (c) An agency may not use tax increment or sales tax proceeds received from a taxing  
451 entity for the purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal or economic  
452 development project area plan without the consent of the community legislative body.

453           (d) An agency may not use tax increment or sales tax proceeds received from a taxing  
454 entity for the purposes stated in Subsection (1)(a)(iii)(E) under an urban renewal or economic  
455 development project area plan without the consent of the community legislative body and the  
456 taxing entity committee.

457           (2) Sales tax proceeds that an agency receives from another public entity are not  
458 subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Sales and Use  
459 Tax Incentive Payments Act.

460           (3) An agency may use sales tax proceeds it receives under a resolution or interlocal  
461 agreement under Section 17C-4-201 for the uses authorized in the resolution or interlocal  
462 agreement.

463           (4) (a) An agency may contract with the community that created the agency or another  
464 public entity to use tax increment to reimburse the cost of items authorized by this title to be  
465 paid by the agency that have been or will be paid by the community or other public entity.

466           (b) If land has been or will be acquired or the cost of an improvement has been or will  
467 be paid by another public entity and the land or improvement has been or will be leased to the  
468 community, an agency may contract with and make reimbursement from tax increment funds to  
469 the community.

470           (5) An agency created by a city of the first or second class may use tax increment from  
471 one project area in another project area to pay all or part of the value of the land for and the  
472 cost of the installation and construction of a publicly or privately owned convention center or  
473 sports complex or any building, facility, structure, or other improvement related to the  
474 convention center or sports complex, including parking and infrastructure improvements, if:

475           (a) construction of the convention center or sports complex or related building, facility,  
476 structure, or other improvement is commenced on or before June 30, 2002; and

477           (b) the tax increment is pledged to pay all or part of the value of the land for and the

478 cost of the installation and construction of the convention center or sports complex or related  
479 building, facility, structure, or other improvement.

480 (6) Notwithstanding any other provision of this title, an agency may not use tax  
481 increment to construct municipal buildings, courts or other judicial buildings, or fire stations.

482 (7) Notwithstanding any other provision of this title, an agency may not use tax  
483 increment under an urban renewal or economic development project area plan, to pay any of  
484 the cost of the land, infrastructure, or construction of a stadium or arena constructed after  
485 March 1, 2005, unless the tax increment has been pledged for that purpose before February 15,  
486 2005.

487 Section 5. Section **17C-1-410** is amended to read:

488 **17C-1-410. Agency may make payments to other taxing entities.**

489 (1) Subject to Subsection (3), an agency may grant tax increment or other agency funds  
490 to a taxing entity to offset some or all of the tax revenues that the taxing entity did not receive  
491 because of tax increment paid to the agency.

492 (2) (a) Subject to Subsection (3), an agency may use tax increment or other agency  
493 funds to pay to a school district an amount of money that the agency determines to be  
494 appropriate to alleviate a financial burden or detriment borne by the school district because of  
495 the urban renewal, economic development, or community development.

496 (b) Each agency that agrees to pay money to a school district under the authority of  
497 Subsection (2)(a) shall provide a copy of that agreement to the State Board of Education.

498 (3) (a) If an agency intends to pay agency funds to one or more taxing entities under  
499 Subsection (1) or (2) but does not intend to pay funds to all taxing entities in proportionally  
500 equal amounts, the agency shall provide written notice to each taxing entity of its intent.

501 (b) (i) A taxing entity receiving notice under Subsection (3)(a) may elect not to have its  
502 tax increment collected and used to pay funds to other taxing entities under this section.

503 (ii) Each election under Subsection (3)(b)(i) shall be:

504 (A) in writing; and

505 (B) delivered to the agency within 30 days after the taxing entity's receipt of the notice

506 under Subsection (3)(a).

507 (c) If a taxing entity makes an election under Subsection (3)(b), the portion of that  
508 taxing entity's tax increment that would have been used by the agency to pay funds under this  
509 section to one or more other taxing entities may not be collected [~~from~~] by the [~~taxing entity~~]  
510 agency.

511 Section 6. Section **17C-1-411** is amended to read:

512 **17C-1-411. Use of tax increment for housing and for relocating mobile home park**  
513 **residents -- Funds to be held in separate accounts.**

514 (1) An agency may:

515 (a) use tax increment from a project area to pay all or part of the value of the land for  
516 and the cost of installation, construction, and rehabilitation of any building, facility, structure,  
517 or other housing improvement, including infrastructure improvements related to housing,  
518 located in any project area within the agency's boundaries; and

519 (b) use up to 20% of tax increment:

520 (i) outside of project areas for the purpose of:

521 (A) replacing housing units lost by urban renewal, economic development, or  
522 community development[;]; or

523 (B) increasing, improving, and preserving generally the affordable housing supply of  
524 the community that created the agency[;]; or

525 (ii) for relocating mobile home park residents displaced by development, whether  
526 inside or outside a project area.

527 (2) (a) Each agency shall separately account for funds allocated under this section.

528 (b) Interest earned by the housing fund and any payments or repayments made to the  
529 agency for loans, advances, or grants of any kind from the fund, shall accrue to the housing  
530 fund.

531 (c) Each agency designating a housing fund under this section shall use the fund for:

532 (i) the purposes set forth in this section; or

533 (ii) the purposes set forth in this title relating to the urban renewal, economic

534 development, or community development project area from which the funds originated.

535 (3) An agency may lend, grant, or contribute funds from the housing fund to a person,  
536 public entity, housing authority, private entity or business, or nonprofit corporation for  
537 affordable housing.

538 Section 7. Section **17C-1-412** is amended to read:

539 **17C-1-412. Use of funds allocated for housing -- Separate accounting required --**  
540 **Issuance of bonds for housing -- Action to compel agency to provide housing funds.**

541 (1) (a) Each agency shall use all funds allocated for housing under this section to:

542 (i) pay part or all of the cost of land or construction of income targeted housing within  
543 the community that created the agency, if practicable in a mixed income development or area;

544 (ii) pay part or all of the cost of rehabilitation of income targeted housing within the  
545 community that created the agency;

546 (iii) pay part or all of the cost of land or installation, construction, or rehabilitation of  
547 any building, facility, structure, or other housing improvement, including infrastructure  
548 improvements, related to housing located in a project area where blight has been found to exist;

549 (iv) replace housing units lost as a result of the urban renewal, economic development,  
550 or community development;

551 (v) make payments on or establish a reserve fund for bonds:

552 (A) issued by the agency, the community, or the housing authority that provides  
553 income targeted housing within the community; and

554 (B) all or part of the proceeds of which are used within the community for the purposes  
555 stated in Subsection (1)(a)(i), (ii), (iii), or (iv); [or]

556 (vi) if the community's fair share ratio at the time of the first adoption of the project  
557 area budget is at least 1.1 to 1.0, make payments on bonds:

558 (A) that were previously issued by the agency, the community, or the housing authority  
559 that provides income targeted housing within the community; and

560 (B) all or part of the proceeds of which were used within the community for the  
561 purposes stated in Subsection (1)(a)(i), (ii), (iii), or (iv)[-]; or

562            (vii) relocate mobile home park residents displaced by an urban renewal, economic  
563 development, or community development project.

564            (b) As an alternative to the requirements of Subsection (1)(a), an agency may pay all or  
565 any portion of housing funds to:

566            (i) the community for use as provided under Subsection (1)(a);

567            (ii) the housing authority that provides income targeted housing within the community  
568 for use in providing income targeted housing within the community; or

569            (iii) the Olene Walker Housing Loan Fund, established under Title 9, Chapter 4, Part 7,  
570 Olene Walker Housing Loan Fund, for use in providing income targeted housing within the  
571 community.

572            (2) The agency or community shall separately account for the housing funds, together  
573 with all interest earned by the housing funds and all payments or repayments for loans,  
574 advances, or grants from the housing funds.

575            (3) In using housing funds under Subsection (1)(a), an agency may lend, grant, or  
576 contribute housing funds to a person, public body, housing authority, private entity or business,  
577 or nonprofit organization for use as provided in Subsection (1)(a).

578            (4) An agency may:

579            (a) issue bonds from time to time to finance a housing undertaking under this section,  
580 including the payment of principal and interest upon advances for surveys and plans or  
581 preliminary loans; and

582            (b) issue refunding bonds for the payment or retirement of bonds under Subsection  
583 (4)(a) previously issued by the agency.

584            (5) (a) If an agency fails to provide housing funds in accordance with the project area  
585 budget and, if applicable, the housing plan adopted under Subsection 17C-2-204(2), the loan  
586 fund board may bring legal action to compel the agency to provide the housing funds.

587            (b) In an action under Subsection (5)(a), the court:

588            (i) shall award the loan fund board a reasonable ~~attorney's~~ attorney fee, unless the  
589 court finds that the action was frivolous; and

590 (ii) may not award the agency its ~~[attorney's]~~ attorney fees, unless the court finds that  
591 the action was frivolous.

592 Section 8. Section **17C-2-102** is amended to read:

593 **17C-2-102. Process for adopting urban renewal project area plan -- Prerequisites**  
594 **-- Restrictions.**

595 (1) (a) In order to adopt an urban renewal project area plan, after adopting a resolution  
596 under Subsection 17C-2-101(1) the agency shall:

597 (i) unless a finding of blight is based on a finding made under Subsection  
598 17C-2-303(1)(b) relating to an inactive industrial site:

599 (A) cause a blight study to be conducted within the survey area as provided in Section  
600 17C-2-301;

601 ~~[(ii)]~~ (B) provide notice of a blight hearing as required under Part 5, Urban Renewal  
602 Notice Requirements; and

603 ~~[(iii)]~~ (C) hold a blight hearing as provided in Section 17C-2-302; ~~[and]~~

604 ~~[(iv)]~~ (ii) after the blight hearing has been held or, if no blight hearing is required under  
605 Subsection (1)(a)(i), after adopting a resolution under Subsection 17C-2-101(1), hold a board  
606 meeting~~[, either in conjunction with the blight hearing or at a subsequent board meeting,]~~ at  
607 which the board shall:

608 (A) consider:

609 (I) the issue of blight and the evidence and information relating to the existence or  
610 nonexistence of blight; and

611 (II) whether adoption of one or more urban renewal project area plans should be  
612 pursued; and

613 (B) by resolution:

614 (I) make a finding regarding the existence of blight in the proposed urban renewal  
615 project area;

616 (II) select one or more project areas comprising part or all of the survey area; and

617 (III) authorize the preparation of a draft project area plan for each project area;

618            [~~(v)~~] (iii) prepare a draft of a project area plan and conduct any examination,  
619 investigation, and negotiation regarding the project area plan that the agency considers  
620 appropriate;

621            [~~(vi)~~] (iv) make the draft project area plan available to the public at the agency's offices  
622 during normal business hours;

623            [~~(vii)~~] (v) provide notice of the plan hearing as provided in Sections 17C-2-502 and  
624 17C-2-504;

625            [~~(viii)~~] (vi) hold a public hearing on the draft project area plan and, at that public  
626 hearing:

627            (A) allow public comment on:

628            (I) the draft project area plan; and

629            (II) whether the draft project area plan should be revised, approved, or rejected; and

630            (B) receive all written and hear all oral objections to the draft project area plan;

631            [~~(ix)~~] (vii) before holding the plan hearing, provide an opportunity for the State Board  
632 of Education and each taxing entity that levies a tax on property within the proposed project  
633 area to consult with the agency regarding the draft project area plan;

634            [~~(x)~~] (viii) if applicable, hold the election required under Subsection 17C-2-105(3);

635            [~~(xi)~~] (ix) after holding the plan hearing, at the same meeting or at a subsequent  
636 meeting consider:

637            (A) the oral and written objections to the draft project area plan and evidence and  
638 testimony for and against adoption of the draft project area plan; and

639            (B) whether to revise, approve, or reject the draft project area plan;

640            [~~(xii)~~] (x) approve the draft project area plan, with or without revisions, as the project  
641 area plan by a resolution that complies with Section 17C-2-106; and

642            [~~(xiii)~~] (xi) submit the project area plan to the community legislative body for  
643 adoption.

644            (b) (i) If an agency makes a finding under Subsection (1)(a)[~~(iv)~~] (ii)(B) that blight  
645 exists in the proposed urban renewal project area, the agency may not adopt the project area

646 plan until the taxing entity committee approves the finding of blight.

647 (ii) (A) A taxing entity committee may not disapprove an agency's finding of blight  
648 unless the committee demonstrates that the conditions the agency found to exist in the urban  
649 renewal project area that support the agency's finding of blight under Section 17C-2-303:

650 (I) do not exist; or

651 (II) do not constitute blight.

652 (B) (I) If the taxing entity committee questions or disputes the existence of some or all  
653 of the blight conditions that the agency found to exist in the urban renewal project area or that  
654 those conditions constitute blight, the taxing entity committee may hire a consultant, mutually  
655 agreed upon by the taxing entity committee and the agency, with the necessary expertise to  
656 assist the taxing entity committee to make a determination as to the existence of the questioned  
657 or disputed blight conditions.

658 (II) The agency shall pay the fees and expenses of each consultant hired under  
659 Subsection (1)(b)(ii)(B)(I).

660 (III) The findings of a consultant under this Subsection (1)(b)(ii)(B) shall be binding on  
661 the taxing entity committee and the agency.

662 (2) An agency may not propose a project area plan under Subsection (1) unless the  
663 community in which the proposed project area is located:

664 (a) has a planning commission; and

665 (b) has adopted a general plan under:

666 (i) if the community is a city or town, Title 10, Chapter 9a, Part 4, General Plan; or

667 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.

668 (3) (a) Subject to Subsection (3)(b), an agency board may not approve a project area  
669 plan more than one year after adoption of a resolution making a finding of blight under  
670 Subsection (1)(a)[~~(iv)~~] (ii)(B).

671 (b) If a project area plan is submitted to an election under Subsection 17C-2-105(3),  
672 the time between the plan hearing and the date of the election does not count for purposes of  
673 calculating the year period under Subsection (3)(a).

674 (4) (a) Except as provided in Subsection (4)(b), a draft project area plan may not be  
675 modified to add real property to the proposed project area unless the board holds a plan hearing  
676 to consider the addition and gives notice of the plan hearing as required under Sections  
677 17C-2-502 and 17C-2-504.

678 (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a draft  
679 project area plan being modified to add real property to the proposed project area if:

680 (i) the property is contiguous to the property already included in the proposed project  
681 area under the draft project area plan;

682 (ii) the record owner of the property consents to adding the real property to the  
683 proposed project area; and

684 (iii) the property is located within the survey area.

685 Section 9. Section **17C-2-106** is amended to read:

686 **17C-2-106. Board resolution approving urban renewal project area plan --**  
687 **Requirements.**

688 Each board resolution approving a draft urban renewal project area plan as the project  
689 area plan under Subsection 17C-2-102(1)(a)[~~(xi)~~] (x) shall contain:

690 (1) a legal description of the boundaries of the project area that is the subject of the  
691 project area plan;

692 (2) the agency's purposes and intent with respect to the project area;

693 (3) the project area plan incorporated by reference;

694 (4) a statement that the board previously made a finding of blight within the project  
695 area and the date of the board's finding of blight; and

696 (5) the board findings and determinations that:

697 (a) there is a need to effectuate a public purpose;

698 (b) there is a public benefit under the analysis described in Subsection 17C-2-103(2);

699 (c) it is economically sound and feasible to adopt and carry out the project area plan;

700 (d) the project area plan conforms to the community's general plan; and

701 (e) carrying out the project area plan will promote the public peace, health, safety, and

702 welfare of the community in which the project area is located.

703 Section 10. Section **17C-2-110** is amended to read:

704 **17C-2-110. Amending an urban renewal project area plan.**

705 (1) An adopted urban renewal project area plan may be amended as provided in this  
706 section.

707 (2) If an agency proposes to amend an adopted urban renewal project area plan to  
708 enlarge the project area:

709 (a) subject to Subsection (2)(e), the requirements under this part that apply to adopting  
710 a project area plan apply equally to the proposed amendment as if it were a proposed project  
711 area plan;

712 (b) for a pre-July 1, 1993 project area plan, the base year taxable value for the new area  
713 added to the project area shall be determined under Subsection 17C-1-102(6)(a) using the  
714 effective date of the amended project area plan;

715 (c) for a post-June 30, 1993 project area plan:

716 (i) the base year taxable value for the new area added to the project area shall be  
717 determined under Subsection 17C-1-102(6)(b) using the date of the taxing entity committee's  
718 consent referred to in Subsection (2)(c)(ii); and

719 (ii) the agency shall obtain the consent of the taxing entity committee before the agency  
720 may collect tax increment from the area added to the project area by the amendment;

721 (d) the agency shall make a finding regarding the existence of blight in the area  
722 proposed to be added to the project area by following the procedure set forth in Subsections  
723 17C-2-102(1)(a)(i) [~~through (iv)~~] and (ii); and

724 (e) the agency need not make a finding regarding the existence of blight in the project  
725 area as described in the original project area plan, if the agency made a finding of the existence  
726 of blight regarding that project area in connection with adoption of the original project area  
727 plan.

728 (3) If a proposed amendment does not propose to enlarge an urban renewal project area,  
729 an agency board may adopt a resolution approving an amendment to an adopted project area

730 plan after:

731 (a) the agency gives notice, as provided in Section 17C-2-502, of the proposed  
732 amendment and of the public hearing required by Subsection (3)(b);

733 (b) the agency board holds a public hearing on the proposed amendment that meets the  
734 requirements of a plan hearing;

735 (c) the agency obtains the taxing entity committee's consent to the amendment, if the  
736 amendment proposes:

737 (i) to enlarge the area within the project area from which tax increment is collected;

738 (ii) to permit the agency to receive a greater percentage of tax increment or to receive  
739 tax increment for a longer period of time, or both, than allowed under the adopted project area  
740 plan; or

741 (iii) for an amendment to a project area plan that was adopted before April 1, 1983, to  
742 expand the area from which tax increment is collected to exceed 100 acres of private property;  
743 and

744 (d) the agency obtains the consent of the legislative body or governing board of each  
745 taxing entity affected, if the amendment proposes to permit the agency to receive, from less  
746 than all taxing entities, a greater percentage of tax increment or to receive tax increment for a  
747 longer period of time, or both, than allowed under the adopted project area plan.

748 (4) (a) An adopted urban renewal project area plan may be amended without  
749 complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and  
750 (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the  
751 amendment:

752 (i) makes a minor adjustment in the legal description of a project area boundary  
753 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;  
754 or

755 (ii) subject to Subsection (4)(b), removes a parcel of real property from a project area  
756 because the agency determines that:

757 (A) the parcel is no longer blighted; or

758 (B) inclusion of the parcel is no longer necessary or desirable to the project area.

759 (b) An amendment removing a parcel of real property from a project area under  
760 Subsection (4)(a)(ii) may not be made without the consent of the record property owner of the  
761 parcel being removed.

762 (5) (a) An amendment approved by board resolution under this section may not take  
763 effect until adopted by ordinance of the legislative body of the community in which the project  
764 area that is the subject of the project area plan being amended is located.

765 (b) Upon a community legislative body passing an ordinance adopting an amendment  
766 to a project area plan, the agency whose project area plan was amended shall comply with the  
767 requirements of Section 17C-2-109 to the same extent as if the amendment were a project area  
768 plan.

769 Section 11. Section 17C-2-202 is amended to read:

770 **17C-2-202. Combined incremental value -- Restriction against adopting an urban**  
771 **renewal project area budget -- Taxing entity committee may waive restriction.**

772 (1) Except as provided in Subsection (2), an agency may not adopt an urban renewal  
773 project area budget if, at the time the urban renewal project area budget is being considered, the  
774 combined incremental value for the agency exceeds 10% of the total taxable value of property  
775 within the agency's boundaries in the year that the urban renewal project area budget is being  
776 considered.

777 (2) (a) A taxing entity committee may waive the restrictions imposed by Subsection  
778 (1).

779 (b) Subsection (1) does not apply to an urban renewal project area budget if the  
780 agency's finding of blight in the project area to which the budget relates is based on a finding  
781 under Subsection 17C-2-303(1)(b).

782 Section 12. Section 17C-2-301 is amended to read:

783 **17C-2-301. Blight study -- Requirements -- Deadline.**

784 (1) Each blight study required under Subsection 17C-2-102(1)(a)(i)(A) shall:

785 (a) undertake a parcel by parcel survey of the survey area;

786 (b) provide data so the board and taxing entity committee may determine:  
787 (i) whether the conditions described in Subsection 17C-2-303(1):  
788 (A) exist in part or all of the survey area; and  
789 (B) qualify an area within the survey area as a project area; and  
790 (ii) whether the survey area contains all or part of a superfund site or an inactive  
791 industrial site;  
792 (c) include a written report setting forth:  
793 (i) the conclusions reached;  
794 (ii) any recommended area within the survey area qualifying as a project area; and  
795 (iii) any other information requested by the agency to determine whether an urban  
796 renewal project area is feasible; and  
797 (d) be completed within one year after the adoption of the survey area resolution.  
798 (2) (a) If a blight study is not completed within one year after the adoption of the  
799 resolution under Subsection 17C-2-101(1) designating a survey area, the agency may not  
800 approve an urban renewal project area plan based on that blight study unless it first adopts a  
801 new resolution under Subsection 17C-2-101(1).  
802 (b) A new resolution under Subsection (2)(a) shall in all respects be considered to be a  
803 resolution under Subsection 17C-2-101(1) adopted for the first time, except that any actions  
804 taken toward completing a blight study under the resolution that the new resolution replaces  
805 shall be considered to have been taken under the new resolution.  
806 Section 13. Section **17C-2-302** is amended to read:  
807 **17C-2-302. Blight hearing -- Owners may review evidence of blight.**  
808 (1) In each hearing required under Subsection 17C-2-102(1)(a)~~(iii)~~(i)(C), the agency  
809 shall:  
810 (a) permit all evidence of the existence or nonexistence of blight within the proposed  
811 urban renewal project area to be presented; and  
812 (b) permit each record owner of property located within the proposed urban renewal  
813 project area or the record property owner's representative the opportunity to:

814 (i) examine and cross-examine witnesses providing evidence of the existence or  
815 nonexistence of blight; and

816 (ii) present evidence and testimony, including expert testimony, concerning the  
817 existence or nonexistence of blight.

818 (2) The agency shall allow record owners of property located within a proposed urban  
819 renewal project area the opportunity, for at least 30 days before the hearing, to review the  
820 evidence of blight compiled by the agency or by the person or firm conducting the blight study  
821 for the agency, including any expert report.

822 Section 14. Section **17C-2-303** is amended to read:

823 **17C-2-303. Conditions on board determination of blight -- Conditions of blight**  
824 **caused by the developer.**

825 (1) An agency board may not make a finding of blight in a resolution under Subsection  
826 17C-2-102(1)(a)(ii)(B) unless the board finds that:

827 (a) (i) the proposed project area consists predominantly of nongreenfield parcels;

828 (ii) the proposed project area is currently zoned for urban purposes and generally  
829 served by utilities;

830 (iii) at least 50% of the parcels within the proposed project area contain nonagricultural  
831 or nonaccessory buildings or improvements used or intended for residential, commercial,  
832 industrial, or other urban purposes, or any combination of those uses;

833 (iv) the present condition or use of the proposed project area substantially impairs the  
834 sound growth of the municipality, retards the provision of housing accommodations, or  
835 constitutes an economic liability or is detrimental to the public health, safety, or welfare, as  
836 shown by the existence within the proposed project area of at least four of the following  
837 factors:

838 (A) one of the following, although sometimes interspersed with well maintained  
839 buildings and infrastructure:

840 (I) substantial physical dilapidation, deterioration, or defective construction of  
841 buildings or infrastructure; or

842 (II) significant noncompliance with current building code, safety code, health code, or  
843 fire code requirements or local ordinances;

844 (B) unsanitary or unsafe conditions in the proposed project area that threaten the  
845 health, safety, or welfare of the community;

846 (C) environmental hazards, as defined in state or federal law, that require remediation  
847 as a condition for current or future use and development;

848 (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for  
849 urban use and served by utilities;

850 (E) abandoned or outdated facilities that pose a threat to public health, safety, or  
851 welfare;

852 (F) criminal activity in the project area, higher than that of comparable nonblighted  
853 areas in the municipality or county; and

854 (G) defective or unusual conditions of title rendering the title nonmarketable; and

855 (v) (A) at least 50% of the parcels within the proposed project area are affected by at  
856 least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv); and

857 (B) the affected parcels comprise at least 66% of the acreage of the proposed project  
858 area; or

859 (b) the proposed project area includes some or all of a superfund site or an inactive  
860 industrial site.

861 (2) No single parcel comprising 10% or more of the acreage of the proposed project  
862 area may be counted as satisfying Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of  
863 that parcel is occupied by buildings or improvements.

864 (3) (a) For purposes of Subsection (1), if a developer involved in the urban renewal  
865 project has caused a condition listed in Subsection (1)(a)(iv) within the proposed project area,  
866 that condition may not be used in the determination of blight.

867 (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or  
868 tenant who becomes a developer.

869 Section 15. Section **17C-2-304** is amended to read:

870 **17C-2-304. Challenging a finding of blight -- Time limit -- De novo review.**

871 (1) If the board makes a finding of blight under Subsection 17C-2-102(1)(a)(ii)(B) and  
872 that finding is approved by resolution adopted by the taxing entity committee, a record owner  
873 of property located within the proposed urban renewal project area may challenge the finding  
874 by filing an action with the district court for the county in which the property is located.

875 (2) Each challenge under Subsection (1) shall be filed within 30 days after the taxing  
876 entity committee approves the board's finding of blight.

877 (3) In each action under this section, the district court shall review the finding of blight  
878 under the standards of review provided in Subsection 10-9a-801(3).

879 Section 16. Section **17C-4-202** is amended to read:

880 **17C-4-202. Resolution or interlocal agreement to provide funds for the**  
881 **community development project area plan -- Notice -- Effective date of resolution or**  
882 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**  
883 **of resolution or interlocal agreement.**

884 (1) The approval and adoption of each resolution or interlocal agreement under  
885 Subsection 17C-4-201(2) shall be in an open and public meeting.

886 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section  
887 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:

888 (i) publishing or causing to be published a notice in a newspaper of general circulation  
889 within the agency's boundaries; or

890 (ii) if there is no newspaper of general circulation within the agency's boundaries,  
891 causing a notice to be posted in at least three public places within the agency's boundaries.

892 (b) Each notice under Subsection (2)(a) shall:

893 (i) set forth a summary of the resolution or interlocal agreement; and

894 (ii) include a statement that the resolution or interlocal agreement is available for  
895 general public inspection and the hours of inspection.

896 (3) The resolution or interlocal agreement shall become effective on the date of:

897 (a) if notice was published under Subsection (2)(a), publication of the notice; or

898 (b) if notice was posted under Subsection (2)(a), posting of the notice.

899 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal  
900 agreement under Subsection (3), any person in interest may contest the resolution or interlocal  
901 agreement or the procedure used to adopt the resolution or interlocal agreement if the  
902 resolution or interlocal agreement or procedure fails to comply with applicable statutory  
903 requirements.

904 (b) After the 30-day period under Subsection (4)(a) expires, no person may contest the  
905 resolution or interlocal agreement for any cause.

906 (5) Each agency that is to receive funds under a resolution or interlocal agreement  
907 under Section 17C-4-201 and each taxing entity or public agency that approves a resolution or  
908 enters into an interlocal agreement under Section 17C-4-201 shall make the resolution or  
909 interlocal agreement, as the case may be, available at its offices to the general public for  
910 inspection and copying during normal business hours.